



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, ERP, FF, MNDC, MNR, O, OLC, RP, RR, SS, FF

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution, filed January 6, 2017, wherein the Tenant sought the following relief:

1. an Order cancelling a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities;
2. an Order that the Landlord that the Landlord comply with the *Residential Tenancy Act*, the *Residential Tenancy Regulation* or the residential tenancy agreement;
3. an Order that the Landlord that the Landlord make repairs, emergency and otherwise;
4. a Monetary Order for the cost of emergency repairs, money owed or compensation for loss under the *Residential Tenancy Act*, the *Residential Tenancy Regulation* or the residential tenancy agreement;
5. an Order permitting the Tenant to deduct the cost of repairs, services or facilities from the rent;
6. and Order for substituted service; and,
7. recovery of the filing fee.

Both parties appeared at the hearing. The hearing process was explained and the participants were asked if they had any questions. Both parties were provided the opportunity to present their evidence orally and in written and documentary form, and make submissions to me.

During the hearing the parties resolved some of the issues raised in the Application by mutual agreement. The terms of their agreement is recorded in this my Decision and Order pursuant to section 63 of the *Residential Tenancy Act* and Rule 8.4 of the *Residential Tenancy Branch Rules of Procedure*. As the parties resolved matters by agreement I make no findings of fact or law with respect to their relative claims. The terms of their settlement follow.

Settlement and Conclusion

1. Provided the Tenant pays the February 2017 rent of \$1,500.00 on or before February 1, 2017,
 - a. the Tenant shall be permitted to remain in the rental unit until 1:00 p.m. on February 28, 2017; and
 - b. the Landlords shall be granted an Order of Possession effective 1:00 p.m. on February 28, 2017. The Landlords must serve the Order on the Tenant as soon as possible and may if necessary, file and enforce the Order in the B.C. Supreme Court.
2. In the event the Tenant does not pay the February 2017 rent of \$1,500.00 on or before February 1, 2017, the tenancy shall end and the Landlords shall be entitled to an Order of Possession effective two (2) days after service on the Tenant. The Landlords must serve the Order on the Tenant as soon as possible and may if necessary, file and enforce the Order in the B.C. Supreme Court; and,
3. The balance of the Tenant's claims, as set out in her Application for Dispute Resolution, is dismissed with leave to reapply.
4. The Landlords are at liberty to apply for compensation for unpaid rent for November 2016, December 2016 and January 2017.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: January 30, 2017

Residential Tenancy Branch